

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P.Nos. 32085 of 2019, 4497 & 4499 of 2021

and

W.M.P. No. 32344 of 2021

W.P. No.32085 of 2021

1. M. Ravi Kumar

2. M.Siva Kumar

... Petitioners

Versus

1. The District Collector,
Office of the Collector,
Thiruvallur District.

2. The State of Tamil Nadu,
represented by Secretary to Government,
Industries Department,
Fort St. George,
Chennai-600 009.

3. The Special Tahsildar (LA),
Aromatic (Complex) Project,
Saidapet, Chennai-600 015.

4. The Tahsildar,
Office of the Tahsildar,
Madhavaram,
Madhavaram Taluk,
Chennai-600 060.

... Respondents

PRAYER in W.P. No.32085 of 2019 : Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the respondents to pay the compensation for the lands acquired in the Survey Nos. 176/1A1, 176/3A1, 87/1A, 87/1B, 91/1C, 92/1, 92/2A, 92/2B, 147/1C, 147/4, 174/2 and 149/3 altogether 4.73 acres in Mathur Village, Madhavaram Taluk, Thiruvallur District as per the order in LAOP No. 394/1998, dated 07.01.2013 which was confirmed in A.S.No.188/2014 dated 07.07.2015 within the time frame fixed by this Hon'ble Court.

W.P. No.4497 of 2021

A.P.Duraisamy Naidu

सत्यमेव जयते

... Petitioner

Versus

1. The Special Tahsildar,
Land Acquisition,
MRL Aromatic Project (now CPCL),
Saidapet, Chennai-15.

2. The Member Secretary,
MRL (now CPCL),
No.552, Anna Salai,
Teynampet, Chennai-18.

3. The Project Officer,
AEROCHEM,
No.88, Anna Salai,
SPIC Centre, Guindy,
Chennai-32.

... Respondents

PRAYER in W.P. No.4497 of 2021 : Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents herein to deposit the entire compensation amount as per the order and decree passed by this Hon'ble Court in A.S.Nos. 626 to 663 of 2014 by order dated 07.07.2015.

W.P. No.4499 of 2021

R.Govindan

... Petitioner

Versus

1. The Special Tahsildar,
Land Acquisition,
MRL Aromatic Project (now CPCL),
Saidapet, Chennai-15.

2. The Member Secretary,
MRL (now CPCL),
No.552, Anna Salai,
Teynampet, Chennai-18.

3. The Project Officer,
AEROCHEM,
No.88, Anna Salai,
SPIC Centre, Guindy,
Chennai-32.

... Respondents

PRAYER in W.P. No.4499 of 2021 : Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents herein to deposit the entire compensation amount as per the order and decree passed by this Hon'ble Court in A.S.Nos. 466 to 492, 495 to 570 and 586 to 611 of 2014 by order dated 07.07.2015.

For Petitioners in W.P.
No. 32085 of 2019 : Mr.G.Surya Narayanan

For Petitioners in W.P.
Nos. 4497 & 4499 of 2021 : Mr.G.Karthikeyan

For Respondents in W.P.
No.32085 of 2019 : Mr. K.M.D.Muhilan
Government Advocate

For respondents in

W.P.Nos.4497 & 4499 of 2021 : Mr.K.M.D.Muhilan

Govt. Advocate for R1 and R3

Mr. Abisek Jenasenana for R2

COMMON ORDER

(The case has been heard through video conference)

These Writ Petitions have been filed seeking a direction directing the respondents to pay entire compensation to the petitioners as per the decree passed by this court in A.S.Nos. 466 to 492, 495 to 570 and 586 to 611, 626 to 663 of 2014 dated 07.07.2015.

2. The grievance of the petitioners is that, the petitioners' lands were acquired for the purpose of setting up of Aromatic complex and other petro based downstream project as part of Madras Refineries Limited situated at Mathur Village, Saidapet Taluk, Thiruvallur District. Subsequently, award was also passed. Thereafter, a reference was made under Sec.18 of Land Acquisition Act, before the Sub-Court, Ponneri and the reference court has

enhanced the compensation at the rate of Rs.4500/- per cent apart from other benefits. Not being satisfied with the same, the 1st respondent Special Tahsildar had filed an appeal before this court in A.S. Nos. 466 to 492, 495 to 570 and 586 to 611, 626 to 663 of 2014 and this court by its judgment dated 07.07.2015 had confirmed the compensation fixed by the reference court. Thereafter, the amount was not deposited. Hence, the present Writ Petition has been filed by the petitioner.

3. Earlier, when the matter came up for hearing, it was represented that, the enhanced compensation has been deposited before this court in the name of Registrar General, High Court, Madras. So far as W.P. No.32085 of 2019 is concerned, a sum of Rs.20,10,980/- towards compensation has been deposited. So far as W.P. No.4497 of 2021 is concerned, a sum of (1) Rs.22,38,727, (2) Rs.26,93,649/- and (3) Rs.22,67,987/- towards compensation has been deposited. So far as W.P. No.4497 of 2021 is concerned, a sum of Rs.2,41,096/- has been deposited. On verification from the Registry, it is stated that totally, a sum of Rs.94,52,439/- has been deposited before this court.

4. Mr.K.M.D.Muhilan, learned Government Advocate appearing for respondents would submit that, now, the entire enhanced compensation has been deposited before this court and the amount may be disbursed to the petitioner according to their entitlement.

5. Mr. G.Karthikeyan, learned counsel appearing for petitioners in W.P. No.4497 and 4499 of 2021, would submit that, even though the enhanced compensation deposited before this court, the original compensation was not paid to the petitioners.

6. Mr. G.Surya Narayanan, learned counsel appearing for petitioner in W.P. No.32085 of 2019 would submit that, there is a discrepancy in the quantum of compensation awarded to the petitioner, he is entitled for more amount.

7. For which, Mr. K.M.D.Muhilan, learned Government Advocate, on instructions, would submit that, the entire compensation has been paid to the petitioners. So far as the cases in W.P.Nos.4497 and 4499 of 2021, the

entire amount has been deposited. In respect of W.P.No.32085 of 2019, he has no instructions.

8. However, Mr. G.Surya Narayanan, learned counsel appearing for petitioner referring the counter affidavit filed by the respondents, would submit that, original compensation is still in the revenue deposit and it has not been paid to the petitioner. So far, the enhanced compensation has been deposited before this court.

9. Considering all those submissions, as the entire enhanced compensation has been deposited before this Court, the Registrar General is directed to issue a cheque for a sum of Rs. 20,10,980/- in favour of Mr.M.Ravikumar and Mr.M.Sivakkumar, who are petitioners in W.P.No.32085 of 2019, to issue a cheque for a sum of Rs.2,41,096/- in favour of Mr.R.Govindan, who is a petitioner in W.P.No. 4499 of 2021, and to issue a cheque for a sum of Rs.72,00,363/- in favour of Mr.A.P.Duraisamy Naidu, who is a petitioner in W.P.No.4497 of 2021 and hand over the cheques to the respective counsel appearing for petitioners.

10. So far as payment of original compensation is concerned, it is open to the petitioners to approach the 1st respondent Special Tahsildar for getting compensation and the 1st respondent is directed to pay compensation to the petitioners.

11. At this stage, Mr. G.Karthikeyan, learned counsel appearing for petitioners would submit that, totally, there are 38 claimants in the acquisition proceedings, out of which, compensation amount has been deposited for 32 claimants before the reference court and for the remaining three claimants, no amount has been paid. Hence, the respondents may be directed to deposit the same.

12. Considering his submissions, if the compensation is yet to be paid, the 1st respondent Special Tahsildar is directed to pay the compensation to the claimants within a period of eight weeks from the date of receipt of copy of this order.

13. So far as the contentions of Mr.G.Surya Narayanan regarding quantum of compensation payable to the petitioners, if at all, any difference, it is open to them to approach the 1st respondent Special Tahsildar with a representation along with calculation memo within a period of two weeks from the date of receipt of copy of this order and if any representation is made, the 1st respondent is directed to consider the same and pass suitable orders within a period of eight weeks thereafter.

14. In the result, these Writ Petitions are disposed of with the above directions. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

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To

1. The District Collector,
Office of the Collector,
Thiruvallur District.

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2. The Secretary to Government,
State of Tamil Nadu,
Industries Department,
Fort St. George,
Chennai-600 009.

3. The Special Tahsildar (LA),
Aromatic (Complex) Project,
Saidapet, Chennai-600 015.

4. The Tahsildar,
Office of the Tahsildar,
Madhavaram,
Madhavaram Taluk,
Chennai-600 060.

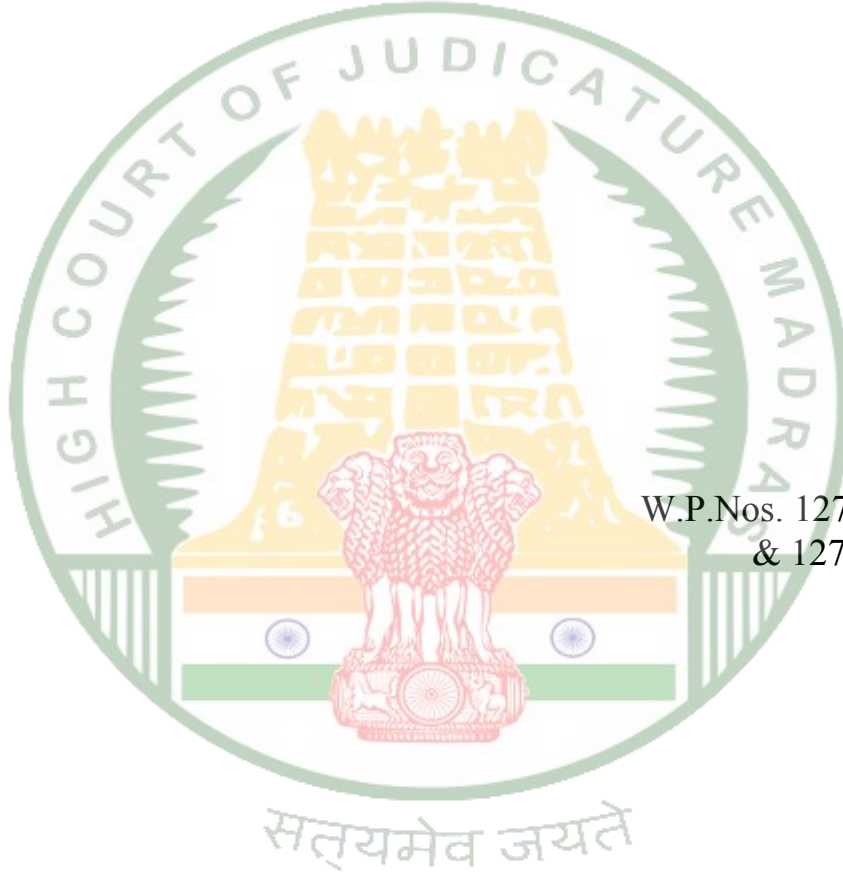
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No.88, Anna Salai,
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V.BHARATHIDASAN, J.

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W.P.Nos. 12707, 12711
& 12713 of 2021

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